

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTHEAST CONTROLS, INC.; and)	
ST. PAUL MERCURY INSURANCE)	
COMPANY,)	
)	
Plaintiffs)	No. 1:06-CV-00412 (SLR)
)	
v.)	
)	
FISHER CONTROLS INTERNATIONAL, LLC,)	
)	
Defendant)	

**PLAINTIFFS' SUPPLEMENTAL MOTION TO ALTER OR
AMEND JUDGMENT PURSUANT TO FED.R.CIV.P. 59(E) AND FOR
AWARD OF ATTORNEYS' FEES PURSUANT TO FED.R.CIV.P. 54**

Plaintiffs Northeast Controls, Inc. and St. Paul Mercury Insurance Company, by and through their counsel, Marshall, Dennehey, Warner, Coleman & Goggin, hereby move to alter or amend the Entry of Judgment dated January 23, 2003 pursuant to Fed.R.Civ.P. 59(e) and to award attorneys' fees pursuant to Fed.R.Civ.P. 54 and in support thereof aver as follows:

1. This Honorable Court granted Plaintiffs' Motion for Summary Judgment on January 18, 2008.
2. Judgment was entered in favor of the plaintiffs on January 23, 2008.
3. Plaintiffs Northeast Controls, Inc. and St. Paul Mercury Insurance Company sought damages in the amount of \$1,207,833.50 plus interest, costs and attorneys' fees which were set forth in Plaintiffs' Motion for Summary Judgment and were not contested by Defendant Fisher Controls International, LLC in its opposition to the motion.
4. In addition to the \$1,207,833.50 incurred in the underlying litigation, the damage award should also include prejudgment interest.

5. Federal Rule of Civil Procedure 59(e) permits a party to file a motion to alter or amend a judgment no later than 10 days after entry of the judgment.

6. Plaintiffs also request an award of attorneys' fees and costs incurred in this litigation.

7. Federal Rule of Civil Procedure 54(d)(2) permits a party to move for an award of attorneys fees within 14 days after entry of a judgment.

8. Accordingly, Plaintiffs respectfully request that this Honorable Court amend or alter the Judgment to include an award of \$1,207,833.50, plus prejudgment interest at 9% per annum from June 29, 2006 until the date on which the Court enters final judgment (currently \$172,116.25), and plaintiffs also request an award of attorneys' fees and costs in the amount of \$272,798.56 for a total judgment of \$1,652,748.31.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: /s/ Thomas P. Wagner
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BY: /s/ Joseph Scott Shannon
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Attorneys for Plaintiffs

Dated: February 1, 2008

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

NORTHEAST CONTROLS, Inc.; and)	
ST. PAUL MERCURY INSURANCE COMPANY,)	
)	
Plaintiffs,)	Civ. A. No. 06-412-SLR
)	
v.)	
)	
FISHER CONTROLS INTERNATIONAL, LLC,)	
)	
Defendant.)	

CERTIFICATION OF COUNSEL PURSUANT TO L.R. 7.1.1

Thomas P. Wagner, Esquire, hereby certifies pursuant to L.R. 7.1.1 that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the attached Supplemental Motion to Alter or Amend Judgment Pursuant to Fed.R.Civ.P. 59(E) and for Award of Attorneys' Fees Pursuant to Fed.R.Civ.P. 54, and no agreement has been reached.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

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*Counsel for Northeast Controls, Inc., and
St. Paul Mercury Insurance Co.*

Dated: February 1, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTHEAST CONTROLS, INC.; and)	
ST. PAUL MERCURY INSURANCE)	
COMPANY,)	
)	
Plaintiffs)	No. 1:06-CV-00412 (SLR)
)	
v.)	
)	
FISHER CONTROLS INTERNATIONAL, LLC,)	
)	
Defendant)	

ORDER

AND NOW, this _____ day of _____, 2008 having heard the Motion to Alter or Amend the Judgment Pursuant to Fed.R.Civ.P. 59(e) and to award attorneys' fees and costs pursuant to Fed.R.Civ.P. 54 of Plaintiffs Northeast Controls, Inc. and St. Paul Mercury Insurance Company and any opposition thereto, IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED and the Clerk is directed to enter judgment for the plaintiffs in the amount of \$1,652,748.31, plus any additional pre-judgment interest that has accrued prior to the entry of final judgment by the Clerk of the Court.

Honorable Sue L. Robinson

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NORTHEAST CONTROLS, INC.	:	CIVIL ACTION – LAW
and	:	
ST. PAUL MERCURY INSURANCE COMPANY	:	
	:	
	:	
v.	:	
	:	
	:	
FISHER CONTROLS INTERNATIONAL, LLC	:	NO. 1:06-CV-00412 (SLR)

CERTIFICATE OF SERVICE

Joseph Scott Shannon, Esquire, hereby certifies that on February 1, 2008, he caused a true and correct copy of Plaintiffs' Supplemental Motion to Alter or Amend Judgment Pursuant to Fed.R.Civ.P. 59(E) and for Award of Attorneys' Fees Pursuant to Fed.R.Civ.P. 54, and its Opening Brief in Support of Plaintiffs' Supplemental Motion to Alter or Amend Judgment Pursuant to Fed.R.Civ.P. 59(E) and for Award of Attorneys' Fees Pursuant to Fed.R.Civ.P. 54, and Appendix A to be served upon the following by electronic filing and mail:

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